

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: RICHARD ROY SCOTT

Case No. 3:05-mc-5029-RSM

ORDER DENYING PLAINTIFF'S
APPLICATION TO PROCEED IFP

This matter comes before the Court on Plaintiff Richard Roy Scott's Application to Proceed *In Forma Pauperis*, Dkt. #168. Plaintiff, a resident of the Special Commitment Center ("SCC") on McNeil Island, has been previously declared a "vexatious litigant" and is "prohibited from proceeding in forma pauperis in any future action in the United States District Court for the Western District of Washington... unless the Court determines that he is in imminent danger of death or serious injury." *Scott v. Weinberg*, Case No. 3:06-cv-05172-FDB, Dkt. #95.

Upon review of Plaintiff's current proposed complaint, Dkt. #168-1, the Court determines that he is not in imminent danger of death or serious injury and will deny his request for IFP status.

Plaintiff claims that he has "well established rights most of which the new SCC CEO David Flynn is knowingly violating." Dkt. #68-1 at 1. Plaintiff provides a long list of services

1 and activities that are no longer available to him, including “hair cuts by a barber,” access to
2 various recreational and religious activities, and access to a computer for legal research. *Id.* at
3 1–3. Plaintiff has recently attempted to proceed IFP with a complaint addressing the social
4 distancing and sanitation policies at the SCC. Dkt. #163. It is clear to the Court that Plaintiff’s
5 access to these activities has been reduced or banned due to COVID-19.
6

7 Plaintiff apparently still has access to medical care, but medical staff has been reduced
8 and elective off island medical procedures have stopped. Plaintiff does not identify a specific
9 need for medical care. In any event, Plaintiff does not claim that any resident has tested
10 positive for COVID-19. The Court finds that Plaintiff has failed to demonstrate that he is in
11 imminent danger of death or serious injury.
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13 Pursuant to the bar order above, Plaintiff is not entitled to IFP status to prosecute his
14 claims. If he wishes to proceed, he must pay the required filing fee for his complaint.
15 Plaintiff’s concerns over deviations from SCC policies are best directed to the leadership at the
16 SCC.
17

18 Accordingly, the Court hereby finds and ORDERS that Plaintiff Richard Roy Scott’s
19 Application to Proceed *In Forma Pauperis*, Dkt. #168, is DENIED. The clerk is directed to
20 provide a copy of this order to Plaintiff.
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22 DATED this 12th day of August, 2020.
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27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE